

# EXHIBIT 19



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

LAN 04-06

October 15, 2009

Mr. Michael P. Halpin, P.E.  
Administrator, Siting Coordination Office  
Department of Environmental Protection  
3900 Commonwealth Boulevard, MS 48  
Tallahassee, FL 32399-3000

Dear Mr. Halpin:

**Subject: FPL Turkey Point Units 6 & 7, PA03-45A3  
Site Certification Application  
Associated Electrical Transmission Line Corridors  
Preliminary Statement of Issues**

This letter constitutes the South Florida Water Management District's (SFWMD's) Preliminary Statement of Issues (PSI) on the above subject application review, as required by Section 403.526(1), F.S. Please note that we are issuing our PSI although Section 403.526(1) does not require us to do so until we make a determination that the application is complete. As of this date, we are unable to make such a determination (see accompanying Third Completeness Review letter for additional details). Based on our current review of the application, we have identified the following issues:

- 1) The proposed corridors cross or potentially impact various SFWMD lands, canal rights-of-way, and projects, including Comprehensive Everglades Restoration Plan (CERP) projects. However, the information provided is generally inadequate to quantify specific potential impacts. Consequently, in certain instances, it may be difficult to draft Recommended Conditions of Certification.
- 2) In June, 2008, the SFWMD's Governing Board approved Resolution No. 2008-640 authorizing a Cooperation Agreement with FPL for a replacement corridor for the existing unimproved FPL transmission line corridor that bisects a portion of the Everglades National Park (ENP) expansion area. Except with respect to certain lands to be conveyed by the National Park Service or the Army Corps of Engineers to the SFWMD for re-conveyance to FPL, the easements to be granted by the SFWMD over SFWMD lands in accordance with the August 21, 2008, Cooperation Agreement are:

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South of Tamiami Trail: Use of the western L-31N levee road to access the new transmission line corridor for construction, operation, and maintenance purposes and construction of permanent access roads/ramps down from the L-31N western levee access road to the new structures in the new replacement transmission line corridor within ENP.

North of Tamiami Trail: Use of that portion of the L-30 right of way lying west of the canal for construction of, and access to, utility lines.

However, FPL's West Preferred Corridor includes additional SFWMD right-of-way to the east of the canal, within L-30 and L-31N, which is contrary to the terms of the Cooperation Agreement. In the First Completeness Responses and during discussions with SFWMD staff concerning the First Completeness Responses, FPL stated that they would like flexibility in working with the SFWMD in the final design of the transmission line, including access, in this area. These statements contradict previous statements made by FPL during negotiations for the Cooperation Agreement in which FPL represented that the easements granted by the SFWMD for the replacement corridor would be adequate to construct the proposed transmission line facilities and no additional SFWMD right-of-way would be required. In the Second completeness responses, FPL states that they "are not requesting authorization to use L-31N or L-30 right-of-way through the site certification process" and "issues regarding FPL's proposed use of same should not be raised through the site certification process."

In consideration of the terms of the Cooperation Agreement, FPL should narrow the width of the West Preferred Corridor in this area to coincide with the boundaries of the replacement corridor. Otherwise, maintaining the current width of the West Preferred Corridor in this area implies that FPL may have plans for construction of electrical transmission line facilities outside of the replacement corridor, possibly within additional SFWMD right-of-way along the L-31N and L-30 canals. Any further use of SFWMD right of way in this area would interfere with the SFWMD's legally mandated responsibilities for flood protection and other routine/emergency uses. It would also interfere with potential future SFWMD plans for widening these canals. Our position concerning this matter is further outlined in the attached September 28, 2009, letter to FPL.

- 3) The West Preferred Corridor overlaps the SFWMD's L-30 and L-31N Canals in the vicinity of the U.S. Army Corps of Engineers (USACOE) Seepage Management Pilot Project, which is a component of the CERP Project. The SFWMD is a participating partner with the USACOE in this project. The work on the USACOE project will take place within the western levees of these canals.

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Work is scheduled to begin soon and may still be ongoing when FPL commences construction of the proposed transmission lines. Close coordination between FPL, the USACOE, and the SFWMD will be necessary to avoid any potential conflicts.

- 4) FPL is proposing to use the SFWMD's L-30/L-31 canal levees for construction and maintenance of the proposed transmission lines; however, portions of the levees have not been designed to accommodate heavy equipment proposed to be used by FPL; therefore, the levees will need to be enhanced and widened. The SFWMD advised FPL that any proposed levee enhancements will need to meet USACOE design specifications, compaction, and side slope stabilization (grass/sod) requirements. The SFWMD also advised FPL that they may want to consider using the berm portion of the levee right of way between the levee toe and the right of way line (i.e., the berm on the landward side of the levee). In the Second Completeness Responses, FPL states that they "will meet applicable design standards" and they are "willing to evaluate alternatives for access, including using the berm portion of the levee, enhancing and widening the levee, or constructing a seepage management berm parallel to the levee."
- 5) The SFWMD has concerns related to the proximity of the Preferred Corridors to SFWMD-owned communications towers and radio matrix sites. The West Preferred Corridor is located very close to various communications towers and radio matrix sites. Although FPL has stated in the completeness responses and in meetings with SFWMD staff that they will work with the SFWMD to resolve any unlikely interference issues, they have not provided the SFWMD with adequate information to determine if or to what extent critical SFWMD-owned communications facilities may be impacted by the proposed transmission line facilities. The SFWMD advised FPL that it is unacceptable to wait until impacts have occurred to identify, design, permit, construct, and implement solutions, since that could substantially impact the SFWMD's ability to use these facilities to meet SFWMD flood protection and other critical emergency management responsibilities.
- 6) The SFWMD has concerns related to the potential construction of a fill road within the West Preferred corridor in the general vicinity of U.S. Highway 1. East of U.S. 1, under CERP Alternative "O", additional surface water flows are to be diverted southward, through existing wetland slough systems in this area, to hydrate wetlands to the south, including wetlands in the SFWMD's Model Lands Basin area, and possibly the SFWMD's Southern Glades Basin area. The SFWMD is a partner with the USACOE in this project. Any construction of new fill roads in this area would appear to be inconsistent with implementation of CERP Alternative "O". Even if culverts are installed, they are very poor at

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maintaining low head flows (i.e., sheetflow). West of U.S. 1, the corridor crosses the SFWMD's Southern Glades Save Our Rivers (SOR) Parcel GR701-025. If a new access/maintenance road is proposed, it will need to be constructed at grade using geoweb or other similar materials to maintain existing surface water flows. It should be noted that FPL has constructed at-grade crossings through wetlands in other parts of its service area.

- 7) The West Secondary Corridor proposes construction, operation, and maintenance of electric transmission lines within wetlands that are part of northeastern Shark River Slough (within the boundaries of Everglades National Park) and across Water Conservation Area 3B. Both of these areas are part of the Everglades Protection Area as defined in the Everglades Forever Act and are targets for restoration within the Comprehensive Everglades Restoration Plan (CERP). The application does not contain adequate information on potential impacts from construction, operation and maintenance of the proposed transmission lines through these areas. Consequently, the SFWMD does not have adequate information to evaluate the impacts of the proposed project for its Agency Report and recommend Conditions of Certification to address construction of the proposed transmission lines in these areas with respect to eliminating/reducing impacts to wetland habitat, tree island rookeries, and associated fauna. The SFWMD is concerned that our ongoing efforts to protect and restore these areas will be compromised during project construction and ongoing maintenance activities.

The application does not specify whether new access roads will need to be constructed for use of heavy construction and maintenance equipment within this corridor. Currently, there are no existing access roads. New road construction would result in long-term impacts to wetland habitat, disrupt existing hydrologic flows, and impact water quality. Vehicles (other than airboats) moving over the wetlands (without roads) would also result in major disturbance to existing wetlands by compacting soils, disrupting existing hydrologic flows, and habitat for listed species. Neither road construction nor vehicular traffic over wetlands should be allowed in these sensitive areas; however, without additional detailed information, the SFWMD cannot identify all of the potential impacts that could result from project construction.

Another area of concern is specific to tree islands, which are commonly used as bird rookeries. Islands in or adjacent to this corridor have been Wood Stork rookeries in recent years. Given that Wood Storks are an endangered species and that restoration of the Wood Stork population, along with other Everglades wading bird populations, is a primary CERP target, the construction and presence of electrical transmission lines that could impact these tree islands and

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their fauna should be avoided; however, without additional detailed information, the SFWMD cannot identify all of the potential impacts that could result from project construction.

- 8) The information provided for the mitigation proposals is inadequate to determine the viability of these proposals.

If you have any questions concerning the above, please do not hesitate to contact me at (561) 682-6862.

Sincerely,



James J. Golden, AICP  
Lead Planner  
Regulatory and Public Affairs  
South Florida Water Management District

/jjg  
Enclosure

c: See Attached Distribution List

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## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

September 28, 2009

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Ms. Pamela M. Rauch  
Vice President  
Corporate & External Affairs  
Florida Power & Light  
700 Universe Boulevard  
Juno Beach, FL 33408

Dear Counsel & Ms. Rauch:

**Subject: Turkey Point Units 6 and 7**

This letter references Florida Power & Light's (FPL) application for Site Certification of the proposed Turkey Point Units 6 and 7 Project, submitted on August 20, 2009, to the Florida Department of Environmental Protection (DEP) under Ch. 403, Part II, Florida Statutes, Power Plant Siting Action (PPSA). A segment of transmission line corridor within that application, referred to as the West Preferred Corridor, proposes construction of one 230kV and two 500kV transmission lines spanning both the east and west sides of the South Florida Water Management District's (SFWMD) L-31N and L-30 canal rights of way.

Unfortunately, the extent of FPL's West Preferred Corridor as it is currently proposed in its PPSA application is contrary to the terms of the August 21, 2008 Cooperation Agreement on this matter. Just a year ago, and after lengthy contract negotiations with SFWMD, FPL agreed to limit future transmission lines to the west side only of the L-31N and L-30 rights of way, entering into a contractual agreement with the SFWMD and parallel agreements with other public agencies.

Operationally, the L-31N and L-30 canals are an integral part of the flood control system for all of Miami-Dade County. Expansion to the east side of the L-31N and L-30 rights of way would have significant consequences:

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- Significantly jeopardizing SFWMD's proper operation and maintenance of its flood control canals.
- Potentially compromising flood protection for South Miami-Dade County.
- Violating SFWMD's obligations as federal local sponsor of the Central and Southern Florida (C&SF) Project to operate its canals in accordance with the Code of Federal Regulations (33CFR 208.10).
- Preventing future widening or deepening of the canals, if identified in a planned restudy of the Miami-Dade canal conveyance system.

Our clear and mutual understanding in the Cooperation Agreement was that by obtaining a replacement corridor from SFWMD—as well as from the U.S. Department of the Interior, U.S. Army Corps of Engineers and DEP—FPL would relinquish its rights to the old corridor within Everglades National Park and that the replacement corridor would be limited to the west side of the levees for power transmission objectives. In fact, in Section 1.8 of the Cooperation Agreement, FPL agreed that in exchange for relocation of its property interests, it will “engineer its utility facilities to fit within this proposed replacement corridor”.

The SFWMD cannot endorse FPL's proposed transmission line corridor to span both sides of the L-31N and L-30 rights of way. As negotiated in the Cooperation Agreement last year, the corridor must be limited to the west side to protect and maintain flood control operations for Miami-Dade County. FPL should reduce the width of the West Preferred Corridor in this area to reflect the width of the corridor agreed to and approved under the Cooperation Agreement. We appreciate your continued cooperation in this matter.

Sincerely,



Sheryl G. Wood  
General Counsel  
South Florida Water Management District

SGW/pm

c: George Horne  
Tom Olliff  
Carol Wehle